

REMARKS/ARGUMENTS

## I. STATUS OF CLAIMS

Claims 1-11, 15-39, 43-67, 71-126 remain in this application. Claims 1-126 have been rejected. Claims 12-14, 40-42, and 68-70 have been canceled. Claims 1, 3, 6, 7, 15, 16, 29, 31, 35, 43, 44, 57, 59, 62, 63, 71, 72, 85, 92-96, 98, 99, 106-110, 112, 113, 120-124, and 126 have been amended. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

## II. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-5, 8-9, 12, 14-33, 36-37, 40, 42-61, 64-65, 70-91, 93-104, 107-118 and 121-126 under 35 U.S.C. § 103(a) as being unpatentable over Ismail, (U.S. Pat # 6,614,987), in view of Rosin, (U.S. Pat # 6,028,600). The rejection is respectfully traversed.

Claims 1, 29, and 57 have been amended to clarify the invention and appear as follows:

1. A process for scheduling the recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising the steps of:

accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program selections for recording and inferred preferred program selections for recording;

comparing said list with a database of program guide objects;

generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of interest are broadcast;

generating an ordered list of future showings of a specific program of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording.

29. An apparatus for scheduling the recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising:

a module for accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program selections for recording and derived preferred program selections for recording;

a module for comparing said list with a database of program guide objects;

a module for generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of interest are broadcast;

a module for generating an ordered list of future showings of a specific program of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording.

57. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for scheduling the recording, storing, and deleting of television and/or Web page program material on a storage medium in a computer environment, comprising the steps of:

accepting a prioritized list of program viewing preferences;

wherein said list contains a viewer's explicit preferred program selections for recording and derived preferred program selections for recording;

comparing said list with a database of program guide objects;

generating a schedule of time versus available storage space that is optimal for the viewer's explicit or inferred preferred programs;

wherein said preferred programs include television broadcast programs and/or Universal Resource Locators (URLs);

wherein said program guide objects indicate when programs of interest are broadcast;

generating an ordered list of future showings of a specific program of interest using said database of program guide objects;

wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording; and

wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording.

Claims 1, 29, and 57 have incorporated elements of Claims 12-14, 40-42, and 68-70, respectively. The Office Action has misquoted the tense of the elements of Claims 12-14, 40-42, and 68-70. The Office Action had quoted Claims 12, 40, and 68 as "... the claimed ordered list of showings of programs of interest ...". However, this is not what Claims 12, 40, and 68 cited. The actual text was (emphasis added): "generating an ordered list of showings of a program of interest". The list was of future showings of a **single** program of interest, not in the plural sense as the Office Action stated.

Applicant has amended Claims 1, 29, and 57 to clarify the context of the misquoted elements of Claims 12, 40, and 68 as well as Claims 13-14, 41-42, and 69-70 included in Claims 1, 29, and 57.

In particular, Ismail does not teach or disclose a system that generates an ordered list of future showings of a specific program of interest using said database of program guide objects, wherein each showing of said specific program of interest in said ordered list is checked for input source or storage space conflicts with programs previously scheduled for recording, and wherein if a particular showing of said specific program of interest is found having no input and/or space conflicts, then said particular showing of said specific program of interest is scheduled for recording as claimed in Claims 1, 29, and 57. Ismail makes no mention of such a system and therefore does not contemplate

such a system. Ismail assumes that there is only one showing of a user's selected program or an inferred program. Ismail does not contemplate that there may be several showings of a user's selected program or an inferred program in the future as many networks replay a program several times over a period of a week, month, etc., and that the first showing may conflict with other programs that the user has selected for recording.

A unique feature of the invention claimed in Claims 1, 29, and 57 is that this situation is taken into consideration and the program guide database is used to find future showings of a particular program. The showings are then checked to see which showings are conflict-free. One of the showings that is conflict free is scheduled for recording.

Further, Rosin makes no mention of such a system and therefore does not contemplate such a system.

Therefore, Ismail in view of Rosin does not teach or disclose the invention as claimed.

Claims 1, 29, and 57 are in allowable condition. Claims 2-5, 8-9, 12, 14-28, and 30-33, 36-37, 40, 42-56, and 58-61, 64-65, 68, 70-84, are dependent upon independent Claims 1, 29, and 57, respectively. Claims 85, 99, and 113 have been amended in similar fashion as Claims 1, 29, and 57 and are therefore similarly allowable. Claims 90-91, 93-98, and 100-104, 107-112, and 114-118, 121-126 are dependent upon independent Claims 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 6-7, 10-11, 13, 34-35, 38-39, 41, 62-63, 66-67, 69, 91-92, 105-106 & 119-120 under 35 U.S.C. § 103(a) as being unpatentable over Ismail & Rosin, in view of Wood (U.S. PGPUB 2002/0054752 A1) The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 29, 57, 85, 99, and 113, above. Claims 6-7, 10-11, 13, and 34-35, 38-39, 41, and 62-63, 66-67, 69 and 91-92, and 105-106 and 119-120 are dependent upon independent Claims 1, 29, 57, 85, 99, and 113, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

IV. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214, to discuss any issue that may advance prosecution.


No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136.

The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on August 22, 2005  
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by   
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